

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1844

IN THE MATTER OF:

Served May 12, 1978

Application of MUHSIN DAVID KATIB)
for Temporary Authority to Perform)
Special Operations-International)
Inn)
Case No. AP-78-18

By application filed May 4, 1978, Muhsin David Katib, a sole proprietor trading as Atlantic Limousine Service (Katib), seeks temporary authority to transport passengers and mail, express and baggage in the same vehicle with passengers between the International Inn, 10 Thomas Circle, Washington, D. C., and Washington National Airport, Gravelly Point, Va. Service would be performed in a 1977 van with a seating capacity for 10 passengers (excluding the driver) at a per-capita fare of \$3 per one-way trip.

Katib proposes to operate from the Inn to National Airport on a scheduled basis with one departure per hour between 8:15 am and 2:15 pm each Monday through Friday. Pickups at the airport would be made only for guests of the Inn who have prearranged such service.

In support of the application, the Inn asserts that the proposed service is an absolute necessity to the overall operation of the Inn. Assertedly, no other scheduled pick-up service is available from the Inn and guests must otherwise use either Greyhound Airport Service, Inc., via one of the Hilton hotels or taxicabs. According to the managing director of the Inn, guests find this proposed service to be most convenient.

On May 8, 1978, Greyhound Airport Service, Inc., filed a protest stating that it is authorized to conduct special operations between the sought termini. However, Greyhound Airport is actively engaged only in providing service from the airport to the Inn (and other hotels) on a scheduled basis. Greyhound Airport departs the airport every 20 minutes between 7 am and 11 pm. Greyhound Airport also asserts an exclusive contract with the Federal Aviation Administration by which no other carrier may originate service at National Airport

except on a prearranged basis.^{1/} With respect to service from the Inn to the airport, Greyhound Airport opines that the public convenience and necessity does not require same.

Title II, Article XII, §4(d)(3) of the Compact provides that temporary authority may be granted where there is an immediate and urgent need for the proposed service and there is no carrier service capable of meeting such need. With respect to the first criterion, we are of the view that the International Inn is in a better position to ascertain the needs of its guests than is the protestant. Hence, we find that an immediate and urgent need exists for the proposed service.^{2/} Greyhound Airport, despite holding authority to provide the entire service, has chosen to limit its operations as described above. Accordingly, the application shall be granted except to the extent that protestant is actually providing service.

THEREFORE, IT IS ORDERED:

1. That Muhsin David Katib is hereby granted temporary authority to perform special operations, over irregular routes, transporting passengers and their baggage:

- (a) From the International Inn, 10 Thomas Circle, Washington, D. C., to Washington National Airport, Gravelly Point, Va.,; and
- (b) From Washington National Airport, Gravelly Point, Va., to the International Inn, 10 Thomas Circle, Washington, D. C.

RESTRICTION: The authority granted in (b) above is restricted to transportation by prearranged appointment only.

2. That the temporary authority granted herein shall be effective on the sixth day following the date of service hereof and shall expire at 11:59 pm on Tuesday, October 31, 1978, unless otherwise ordered by the Commission.

3. That Muhsin David Katib is hereby directed to file, within five days from the date of service hereof (a) two copies of WMATC Temporary

^{1/} The Commission takes official notice of the record and decision in Civil Action No. 76-1210, Executive Limousine Service, Inc. v. Adams, not printed, (D.C.D.C. 1978).


^{2/} No need has been shown for the transportation of mail or express.

Authority Tariff No. 1, (b) an appropriate certificate of insurance as required by Commission Regulation No. 62, and (c) an affidavit that his vehicle is identified in accordance with Commission Regulation No. 68.

4. That except to the extent granted herein, the above-referenced application is hereby denied.

5. That unless applicant complies with the mandates of Ordering Paragraph No. 3 within the time established, or within such additional time as may be authorized by the Commission, the grant of temporary authority herein shall be considered null and void and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

